

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**J.W. PLAINTIFFS**

**V. CASE NO.: 3:21-cv-00663-CWR-LGI**

**THE CITY OF JACKSON, ET AL. DEFENDANTS**

*and*

**P.R., ET AL. PLAINTIFFS**

**V. CASE NO.: 3:21-cv-00667-CWR-LGI**

**THE CITY OF JACKSON, ET AL. DEFENDANTS**

*and*

**C.A., ET AL. PLAINTIFFS**

**V. CASE NO.: 3:22-cv-00171-CWR-LGI**

**THE CITY OF JACKSON, ET AL. DEFENDANTS**

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**MOTION AND MEMORANDUM IN SUPPORT OF PLAINTIFFS' UNOPPOSED  
REQUEST SEEKING LEAVE TO FILE A CONSOLIDATED OMNIBUS RESPONSE  
TO CITY DEFENDANTS' DISPOSITIVE MOTIONS**

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Plaintiffs respectfully request leave to file a single consolidated response to the dispositive motions filed on behalf of the City of Jackson, Tony Yarber, Kishia Powell, Chokwe A. Lumumba, Jr. and Robert Miller, and Jerriot Smash (referred to collectively herein as the "City Defendants") in the above captioned cases. Plaintiffs further request that this response be permitted to exceed the thirty-five (35) page limit set forth by Local Rule 7(b)(5) and to be allowed one-hundred (100)

pages for the consolidated response. The City Defendants consented to and do not oppose this requested relief.

Plaintiffs filed three lawsuits against these six (6) City Defendants, asserting various claims based on the Defendants' individual and official roles in the Jackson, Mississippi Water Crisis. Those cases are as follows: *J.W. v. City of Jackson, et al.*, 21-cv-663; *P.R., et al. v. City of Jackson, et al.*, 21-cv-667; and *C.A., et al. v. City of Jackson, et al.*, 22-171.

In response to Plaintiffs' claims, the City Defendants filed four (4) separate dispositive motions in each of the above listed cases: (1) City of Jackson's Motion for Judgment on the Pleadings [21-663, ECF No. 80; 21-667, ECF No. 74; and 22-171, ECF No. 42]; (2) Tony Yarber and Kishia Powell's motion for Qualified Immunity and to Dismiss [21-663 ECF No. 82, 21-667 ECF No. 76, and 22-171 ECF No. 52]; (3) Mayor Chokwe A. Lumumba and Robert Miller's Motion for Qualified Immunity and to Dismiss [21-663 ECF No. 84, 21-667 ECF No. 78, and 22-171 ECF No. 51]; and (4) Jerriot Smash's Motion for Judgment on the Pleadings and/or Qualified Immunity [21-663 ECF No. 86 and 21-667 ECF No. 80].<sup>1</sup>

Because these four motions raise related arguments<sup>2</sup>—namely whether Plaintiffs may proceed with their state negligence claims or their 42 USC § 1983 Fourteenth Amendment claims regarding bodily integrity and state-created danger—Plaintiffs request leave to file a single consolidated response to these four motions on the docket in 21-cv-663.

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<sup>1</sup> Thereafter, July 20, 2022, the Court consolidated these three cases. [21-cv-663, ECF No. 110; 21-cv-667, ECF No. 103; 22-cv-171, ECF No. 59].

<sup>2</sup> Indeed, certain defendants incorporate by reference entire sections and argument from other defendants' briefs. *See, e.g.*, 22-cv-171, doc. 43 at 7.

In connection with this request, Plaintiffs further request that this response be permitted to exceed the thirty-five (35) page limit set forth by Local Rule 7(b)(5). Because of the complexity of the factual and legal issues presented by these cases, Plaintiffs request a total of one-hundred (100) pages in length. Counsel for the City Defendants informed Plaintiffs that they consent to the above requested relief and will not oppose this request.

Dated: August 9, 2022.

Respectfully submitted,  
**LEVY KONIGSBERG LLP**

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**CERTIFICATE OF SERVICE**

I, Kimberly Russell, hereby certify that I have this day of August 9, 2022 electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record.

/s/ Kimberly L. Russell

Kimberly L. Russell